

REMARKS

Summary of the Final Office Action

Claims 5-12 are pending in the application. In the Final Office Action mailed December 10, 2008, claims 5-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,017,171 ("Horlander") in view of U.S. Patent No. 6,381,747 ("Wonfor").

Summary of Applicants' Reply

Claims 5, 7, 9 and 11 are amended. No new matter is entered by the amendments.

Applicants respectfully traverse the rejections of claims 5-12.

Independent Claims 5, 7, 9 and 11

Applicants' invention, as defined by amended independent claims 5, 7, 9 and 11, is directed to an interactive program guide that may be used to select a television program for recording and viewing. Claims 5, 7, 9, and 11 are amended to clarify the point that the program guide provides a user with opportunities for selecting a program for

recording as well as viewing. The independent claims 5, 7, 9 and 11 require that the selected television program is received with copy protection from a television distribution facility. When the selected program is selected for recording, the copy protection is removed from the program and it is provided without copy protection when the program is purchased at the price for the program without copy protection. When the selected program is selected for viewing, the program is provided with copy protection when it is purchased at the price for the program with copy protection.

The § 103(a) Rejection

According to applicants' claimed invention in independent claims 5, 7, 9 and 11, a selected program is received with copy protection from a television distribution facility. This copy protection is removed when the program is selected and purchased for recording and maintained when the program is selected and purchased for viewing. Wonfor and Horlander do not disclose at least these elements of applicants' claims.

Horlander describes a system for interfacing between consumer electronic devices that is capable of checking and updating copyright information for a program. The Office Action concedes at page 3 that "Horlander fails to explicitly disclose means for ... removing the copy protection from the selected program," relying upon Wonfor to fill this deficiency. Wonfor, however, does not disclose removing copy protection as required by applicants' claims.

Wonfor generally discusses a system for "controlling the application of copy protection for video signals." (Wonfor, col. 4, lines 51-52, emphasis added.) In Wonfor, set top box circuitry is used to apply copy protection wave forms to programs that are to be protected. (Wonfor, FIGs. 1 and 2, col. 3, lines 38-42, col. 8, lines 17-18, etc.) Copy protections are applied in Wonfor using a copy protection capable set-top box, and may be provided using two anticopy processes: automatic gain control and a color stripe process, which affect recording quality. (Wonfor, col. 2, line 45, col. 3, lines 57-65.) For example, the Wonfor set-top box applies copy protection to a program that is selected to be recorded by an unauthorized viewer. (Wonfor, col. 5, lines 50-53.) The options for copy protections that are applied by Wonfor are listed in Table 2 of col. 12. Wonfor's Table 2 indicates

several scenarios where an ACP (anticopy process) is turned on or off. For example, ACP is turned on, meaning that the anticopy processes are applied to a program, when a copy protection required program is selected by a user for pay-per-view. In another example, ACP is turned off, meaning that the anticopy processes are not applied to a program, when a copy protection required program is selected by a user for recording using a pay-to-tape request. (Wonfor, Table 2.) Thus, in Wonfor, programs are received at the set-top box without copy protection and the set-top box can either pass the programs on as is or the set-top box can apply copy protection to the programs.

The examiner alleges on page 2 of the Office Action that Wonfor teaches removal of copy protection from a program. The Examiner appears to be taking the position that because Wonfor can turn on and then off the application of copy protection to a program, this causes copy protection to be removed from the program. Applicants respectfully disagree. In such a situation, copy protection is only applied to a portion of the program. No copy protection is removed from the program.

Moreover, in order to more particularly define applicants' claimed invention, applicants have amended the claims to specify that the selected program is received with copy protection from a television distribution facility. Wonfor, as discussed above, fails to disclose receiving any programs with copy protection. In addition, Horlander also fails to disclose receiving programs with copy protection. Instead, Horlander discusses receiving programs and also receiving copyright information associated with programs. Instead of applying or removing copyright protection to programs, Horlander uses the copyright information to control whether a VCR is authorized to record a program.

In view of the foregoing, Horlander and Wonfor fail to disclose receiving a selected program with copy protection from a television distribution facility as required by independent claims 5, 7, 9, and 11. In addition, Horlander and Wonfor also fail to disclose (a) removing the copy protection from the selected program, (b) providing the selected program without copy protection, and (c) directing a video recorder to record the selected program when the program is purchased at the price for the program without copy protection as required by independent claims 5, 7, 9, and 11.

For at least the reasons discussed above, it is submitted that independent claims 5, 7, 9, and 11 are allowable. Dependent claims 6, 8, 10, and 12 are also allowable for at least the same reasons. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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